

REMARKS

In the Office Action, claims 20-30 and 32-39 were allowed. Claims 1-8, 10-13, 14-17, 31 and 40 were rejected. Claims 9, 18, and 19 were objected to as being dependent on rejected claims. By the present Response, claim 1, 4, 9, 14, and 31 are amended, and claims 12, 13, and 18 are cancelled. Upon entry of the amendments, claims 1-11, 14-17, and 19-40 will remain pending in the present patent application. Reconsideration and allowance of all pending claims are requested.

Rejections Under 35 U.S.C. § 102

Claims 1 and 12 were rejected as anticipated by Giesy et al. (U.S. Patent Publication 2002/0166326), and by Wowk et al. (U.S. Patent Publication 2002/0016198). Claims 1, 2, and 12 were also rejected as anticipated by Gershtein et al. (U.S. Patent No. 6,938,654). Finally, claims 1, 7, 14, and 40 were rejected as anticipated by Jones (U.S. Patent No. 3,919,852).

The Examiner objected to claim 9 because it is dependent from a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Office Action, page 6. Applicant has amended original claim 1 to include the feature originally recited in claim 9. Thus, amended claim 1 is in condition for allowance. Original claims 2-8 and 10-11 are dependent from claim 1. Because claim 1 is allowable, the dependent claims are also allowable. Claim 9 has been amended to recite that the cryogen containing device is an imaging device.

The Examiner similarly stated that claims 18 and 19 would be allowable if rewritten in independent form. Applicant has amended claim 14 by adding the recitations of original claim 18. Amended claim 14 is now in condition for allowance. Claims 15-17 and 19 are dependent on claim 14, and therefore are also allowable.

Rejections Under 35 U.S.C. § 103


Of the remaining rejected claims, the Examiner rejected claims 31 and 40 as being unpatentable over any one of Giesy, Wowk, or Gershtein in view of Laskaris (U.S. Patent No. 4,492,090). Claims 31 and 40 recite, in generally similar language, that the cryogen parameters are maintained "via the resources of an intermediate facility" and "via resources of a third facility," respectively. The cited references do not contain any suggestion of using the resources of any intermediate facility, and thus claims 31 and 40 are not obvious. It is believed that this was one of the reasons for allowance of claims 20, 32, and 33. Applicant respectfully requests that Examiner reconsider this rejection.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545